

AMENDED IN ASSEMBLY MAY 27, 2011
AMENDED IN ASSEMBLY MARCH 31, 2011
AMENDED IN ASSEMBLY MARCH 22, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 620

Introduced by Assembly Member Block
(Coauthors: Assembly Members Ammiano, Blumenfield, Brownley,
Galgiani, Gordon, Bonnie Lowenthal, Portantino, and Skinner)
(Coauthors: Senators Kehoe and Yee)

February 16, 2011

An act to amend Sections 66010.2, 66251, 66260.7, 67380, 69433.5, 69762, 87400, and 89307.2 of, to amend the heading of Chapter 4.5 (commencing with Section 66250) of Part 40 of Division 5 of Title 3 of, to add Sections 66027 and 66302 to, and to add Article 3.5 (commencing with Section 66271.2) to Chapter 4.5 of Part 40 of Division 5 of Title 3 of, the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 620, as amended, Block. Public postsecondary education: nondiscrimination and training: sexual orientation ~~and~~, gender ~~identity~~: identity, *and gender expression*.

(1) Existing law, known as the Donahoe Higher Education Act, establishes the missions and functions of the 3 segments of public postsecondary education in the state, which are the University of California, the California State University, and the California Community Colleges. The provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the

Regents of the University of California, by resolution, make them applicable.

Existing provisions of the Donahoe Higher Education Act require the Regents of the University of California, the Trustees of the California State University, and the governing boards of community college districts to adopt or provide for the adoption of rules and regulations governing student behavior, known as rules of student conduct.

This bill would require the Trustees of the California State University and the Board of Governors of the California Community Colleges, and would request the Regents of the University of California, to adopt policies on harassment, intimidation, and bullying to be included within the rules of student conduct governing their respective segments of public postsecondary education. *The bill, at a minimum, would require the trustees and the board of governors, and request the regents and the governing board of each community college district, to publish these policies on their Internet Web sites and as part of any printed material covering rules and regulations governing student behavior at all campuses within their respective jurisdictions.*

(2) The Equity in Higher Education Act, which is a part of the Donahoe Higher Education Act, provides that it is the policy of the state to afford all persons, regardless of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or other specified bases, equal rights and opportunities in the postsecondary institutions of the state. For these purposes, the act defines “gender” to include gender identity.

This bill would revise the definition of gender to include “gender expression” ~~and require each segment of public postsecondary education to develop and implement professional development and awareness training programs to, among other things, train faculty with respect to generating an inclusive curriculum, address harassment of individuals based on sexual orientation and gender identity, train campus public safety officers about hate crimes and harassment based on sexual orientation and gender identity, and train financial aid advisers with respect to financial assistance for lesbian, gay, bisexual, and transgender students for purposes of the Equity in Higher Education Act.~~ The bill would ~~request each of the segments~~ *require the Trustees of the California State University, and request the Regents of the University of California and the governing board of each community college district, to designate an employee at each of their respective campuses as a point of contact to address the needs of lesbian, gay, bisexual, and transgender faculty, staff, and students,* ~~and.~~ *The bill would request*

each segment to share demographic information collected by the segments regarding sexual orientation and gender identity with the California Postsecondary Education Commission (CPEC).

The bill would ~~require~~ *encourage* the CPEC to conduct an assessment of the campuses of each of the segments of public postsecondary education to develop recommendations to improve the quality of life on those campuses for lesbian, gay, bisexual, and transgender faculty, staff, and students, and to publish a summary of those recommendations on its Internet Web site. ~~The bill would require the CPEC to convene focus groups to address student needs and to develop a best practices list for improving quality of life for, and addressing the concerns of, lesbian, gay, bisexual, and transgender faculty, staff, and students. The bill would authorize the CPEC to provide training to administrators of each of the segments based on the best practices list.~~

The bill would make various conforming changes to existing nondiscrimination laws affecting postsecondary educational institutions and programs, and requirements related to reporting hate violence, as defined, to additionally include sexual orientation, gender identity, and gender expression within the scope of those programs and requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 66010.2 of the Education Code is
- 2 amended to read:
- 3 66010.2. The public elementary and secondary schools, the
- 4 California Community Colleges, the California State University,
- 5 the University of California, and independent institutions of higher
- 6 education share goals designed to provide educational opportunity
- 7 and success to the broadest possible range of our citizens, and shall
- 8 provide the following:
- 9 (a) Access to education, and the opportunity for educational
- 10 success, for all qualified Californians. Particular efforts should be
- 11 made with regard to those who are historically and currently
- 12 underrepresented in both their graduation rates from secondary
- 13 institutions and in their attendance at California higher educational
- 14 institutions.
- 15 (b) Quality teaching and programs of excellence for their
- 16 students. This commitment to academic excellence shall provide

1 all students the opportunity to address issues, including ethical
2 issues, that are central to their full development as responsible
3 citizens.

4 (c) Educational equity not only through a diverse and
5 representative student body and faculty but also through
6 educational environments in which each person, regardless of race,
7 gender, gender identity, gender expression, sexual orientation, age,
8 disability, or economic circumstances, has a reasonable chance to
9 fully develop his or her potential.

10 SEC. 2. Section 66027 is added to the Education Code, to read:

11 66027. (a) (1) The governing boards of the California State
12 University and the California Community Colleges shall, and the
13 Regents of the University of California are requested, in collecting
14 data relative to gender, race, ethnicity, or other demographics,
15 from faculty, staff, or students, to allow the faculty, staff, and
16 students to identify their sexual orientation, gender identity, and
17 gender expression on any forms used to collect that demographic
18 data, as appropriate.

19 (2) A governing board shall not be required to update an existing
20 form used to collect demographic data for purposes of this
21 subdivision, but shall provide for the identification of sexual
22 orientation, gender identity, and gender expression on any new or
23 updated form used for the collection of demographic data.

24 (b) The governing boards of the University of California, the
25 California State University, and the California Community Colleges
26 are requested to share with the California Postsecondary Education
27 Commission information collected pursuant to subdivision (a), to
28 the extent that individuals from whom that information is collected
29 authorize that information to be released. The information shared
30 pursuant to this subdivision shall not include any individual
31 identifying information.

32 SEC. 3. The heading of Chapter 4.5 (commencing with Section
33 66250) of Part 40 of Division 5 of Title 3 of the Education Code
34 is amended to read:

35
36 CHAPTER 4.5. EQUITY IN HIGHER EDUCATION ACT
37

38 SEC. 4. Section 66251 of the Education Code is amended to
39 read:

1 66251. It is the policy of the State of California to afford all
2 persons, regardless of disability, gender, gender identity, gender
3 expression, nationality, race or ethnicity, religion, sexual
4 orientation, or any other basis that is contained in the prohibition
5 of hate crimes set forth in subdivision (a) of Section 422.6 of the
6 Penal Code, equal rights and opportunities in the postsecondary
7 institutions of the state. The purpose of this chapter is to prohibit
8 acts that are contrary to that policy and to provide remedies
9 therefor.

10 SEC. 4.5. Section 66260.7 of the Education Code is amended
11 to read:

12 66260.7. “Gender” means sex, and includes a person’s gender
13 identity and gender expression. “Gender expression” means a
14 person’s gender-related appearance and behavior, whether or not
15 stereotypically associated with the person’s assigned sex at birth.

16 SEC. 5. Article 3.5 (commencing with Section 66271.2) is
17 added to Chapter 4.5 of Part 40 of Division 5 of Title 3 of the
18 Education Code, to read:

19

20 Article 3.5. Sexual Orientation and Gender Identity Equity in
21 Higher Education

22

23 ~~66271.2. The Board of Governors of the California Community~~
24 ~~Colleges and the Trustees of the California State University shall,~~
25 ~~and the Regents of the University of California are requested to,~~
26 ~~develop and implement professional development and awareness~~
27 ~~training programs that, at a minimum, meet all of the following~~
28 ~~requirements:~~

29 ~~(a) The programs shall train faculty with respect to generating~~
30 ~~a curriculum that is inclusive of all students.~~

31 ~~(b) The programs shall provide strategies for addressing~~
32 ~~harassment of lesbian, gay, bisexual, and transgender students in~~
33 ~~and out of the classroom.~~

34 ~~(c) The programs shall provide campus public safety officers~~
35 ~~with training regarding hate crimes and harassment directed toward~~
36 ~~lesbian, gay, bisexual, and transgender persons.~~

37 ~~(d) The programs shall train financial aid advisers with respect~~
38 ~~to the availability of scholarships specific to lesbian, gay, bisexual,~~
39 ~~and transgender persons and provide training on how to assist~~

1 ~~students with same-sex parents in completing financial aid~~
2 ~~applications.~~

3 ~~(e) The programs shall incorporate other content relevant to~~
4 ~~lesbian, gay, bisexual, and transgender persons, as appropriate.~~

5 ~~66271.3. The Board of Governors of the California Community~~
6 ~~Colleges and the~~

7 ~~66271.2. The Trustees of the California State University shall,~~
8 ~~and the Regents of the University of California and the governing~~
9 ~~board of each community college district are requested to, designate~~
10 ~~at each of their respective campuses an employee to address an~~
11 ~~employee at each of their respective campuses as a point of contact~~
12 ~~for the needs of lesbian, gay, bisexual, and transgender faculty,~~
13 ~~staff, and students at the respective campus. At a minimum, the~~
14 ~~name and contact information of that designated employee shall~~
15 ~~be published on the Internet Web site for the respective campus~~
16 ~~and shall be included in any printed and Internet-based campus~~
17 ~~directories.~~

18 ~~66271.4. (a)~~

19 ~~66271.3. The California Postsecondary Education Commission~~
20 ~~shall is encouraged to~~ conduct an assessment of the California
21 Community Colleges, California State University, and University
22 of California systems with respect to the quality of life at those
23 campuses for lesbian, gay, bisexual, and transgender faculty, staff,
24 and students at the campuses of each of those institutions. ~~The~~ *If*
25 *an assessment is performed, the* commission shall make
26 recommendations to each of those institutions based on that
27 assessment, *and shall publish a summary of the recommendations*
28 *developed pursuant to this section on its Internet Web site.*

29 ~~(b) The California Postsecondary Education Commission shall~~
30 ~~convene focus groups to address the needs of lesbian, gay, bisexual,~~
31 ~~and transgender students and to develop a best practices list of~~
32 ~~recommendations for improving the quality of life at the campuses~~
33 ~~of the California Community Colleges, California State University,~~
34 ~~and University of California for, and addressing the concerns of,~~
35 ~~lesbian, gay, bisexual, and transgender faculty, staff, and students.~~
36 ~~The commission may provide training to administrators of each~~
37 ~~of the segments of public postsecondary education based on the~~
38 ~~recommendations in the best practices list.~~

1 ~~(e) The California Postsecondary Education Commission shall~~
2 ~~publish a summary of the recommendations developed pursuant~~
3 ~~to this section on its Internet Web site.~~

4 SEC. 6. Section 66302 is added to the Education Code, to read:

5 66302. The Trustees of the California State University and the
6 Board of Governors of the California Community Colleges shall,
7 and the Regents of the University of California are requested to,
8 adopt policies on harassment, intimidation, and bullying to be
9 included within the rules and regulations governing student
10 behavior within their respective segments of public postsecondary
11 education. *At a minimum, the Trustees of the California State*
12 *University and the Board of Governors of the California*
13 *Community Colleges shall, and the Regents of the University of*
14 *California and the governing board of each community college*
15 *district are requested to, publish the policies adopted under this*
16 *section on their Internet Web sites and as part of any printed*
17 *material covering rules and regulations governing student behavior*
18 *at all campuses within their respective jurisdictions.*

19 SEC. 7. Section 67380 of the Education Code is amended to
20 read:

21 67380. (a) The governing board of each community college
22 district, the Trustees of the California State University, the Board
23 of Directors of the Hastings College of the Law, the Regents of
24 the University of California, and the governing board of any
25 postsecondary institution receiving public funds for student
26 financial assistance shall do all of the following:

27 (1) Require the appropriate officials at each campus within their
28 respective jurisdictions to compile records of both of the following:

29 (A) All occurrences reported to campus police, campus security
30 personnel, or campus safety authorities of, and arrests for, crimes
31 that are committed on campus and that involve violence, hate
32 violence, theft, destruction of property, illegal drugs, or alcohol
33 intoxication.

34 (B) All occurrences of noncriminal acts of hate violence reported
35 to, and for which a written report is prepared by, designated campus
36 authorities.

37 (2) Require any written record of a noncriminal act of hate
38 violence to include, but not be limited to, the following:

39 (A) A description of the act of hate violence.

40 (B) Victim characteristics.

1 (C) Offender characteristics, if known.
2 (3) (A) Make the information concerning the crimes compiled
3 pursuant to subparagraph (A) of paragraph (1) available within
4 two business days following the request of any student or employee
5 of, or applicant for admission to, any campus within their respective
6 jurisdictions, or to the media, unless the information is the type of
7 information exempt from disclosure pursuant to subdivision (f) of
8 Section 6254 of the Government Code, in which case the
9 information is not required to be disclosed. Notwithstanding
10 paragraph (2) of subdivision (f) of Section 6254 of the Government
11 Code, the name of a victim of any crime defined by Section 261,
12 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6,
13 422.7, or 422.75 of the Penal Code shall not be disclosed without
14 the permission of the victim, or the victim’s parent or guardian if
15 the victim is a minor.
16 (B) For purposes of this paragraph and subparagraph (A) of
17 paragraph (1), the campus police, campus security personnel, and
18 campus safety authorities described in subparagraph (A) of
19 paragraph (1) shall be included within the meaning of “state or
20 local police agency” and “state and local law enforcement agency,”
21 as those terms are used in subdivision (f) of Section 6254 of the
22 Government Code.
23 (4) Require the appropriate officials at each campus within their
24 respective jurisdictions to prepare, prominently post, and copy for
25 distribution on request, a campus safety plan that sets forth all of
26 the following: the availability and location of security personnel,
27 methods for summoning assistance of security personnel, any
28 special safeguards that have been established for particular facilities
29 or activities, any actions taken in the preceding 18 months to
30 increase safety, and any changes in safety precautions expected to
31 be made during the next 24 months. For the purposes of this
32 section, posting and distribution may be accomplished by including
33 relevant safety information in a student handbook or brochure that
34 is made generally available to students.
35 (5) Require the appropriate officials at each campus within their
36 respective jurisdictions to report information compiled pursuant
37 to paragraph (1) relating to hate violence to the governing board,
38 trustees, board of directors, or regents, as the case may be. The
39 governing board, trustees, board of directors, or regents, as the
40 case may be, shall, upon collection of that information from all of

1 the campuses within their jurisdiction, transmit a report containing
2 a compilation of that information to the California Postsecondary
3 Education Commission no later than January 1 of each year,
4 commencing January 1, 1993. The commission shall make these
5 reports available to the Legislature and the general public on its
6 Internet Web site. It is the intent of the Legislature that the
7 governing board of each community college district, the Trustees
8 of the California State University, the Board of Directors of the
9 Hastings College of the Law, the Regents of the University of
10 California, and the governing board of any postsecondary
11 institution receiving public funds for student financial assistance
12 establish guidelines for identifying and reporting occurrences of
13 hate violence. It is the intent of the Legislature that the guidelines
14 established by these institutions of higher education be as consistent
15 with each other as possible. These guidelines shall be developed
16 in consultation with the Department of Fair Employment and
17 Housing and the California Association of Human Rights
18 Organizations.

19 (b) Any person who is refused information required to be made
20 available pursuant to subparagraph (A) of paragraph (1) of
21 subdivision (a) may maintain a civil action for damages against
22 any institution that refuses to provide the information, and the
23 court shall award that person an amount not to exceed one thousand
24 dollars (\$1,000) if the court finds that the institution refused to
25 provide the information.

26 (c) For purposes of this section, “hate violence” means any act
27 of physical intimidation or physical harassment, physical force or
28 physical violence, or the threat of physical force or physical
29 violence, that is directed against any person or group of persons,
30 or the property of any person or group of persons because of the
31 ethnicity, race, national origin, religion, sex, sexual orientation,
32 gender identity, gender expression, disability, or political or
33 religious beliefs of that person or group.

34 (d) This section does not apply to the governing board of a
35 private postsecondary institution receiving funds for student
36 financial assistance with a full-time enrollment of less than 1,000
37 students.

38 (e) This section shall apply to a campus of one of the public
39 postsecondary educational systems identified in subdivision (a)

1 only if that campus has a full-time equivalent enrollment of more
2 than 1,000 students.

3 (f) Notwithstanding any other provision of this section, this
4 section shall not apply to the California Community Colleges
5 unless and until the Legislature makes funds available to the
6 California Community Colleges for the purposes of this section.

7 SEC. 8. Section 69433.5 of the Education Code is amended to
8 read:

9 69433.5. (a) Only a resident of California, as determined by
10 the commission pursuant to Part 41 (commencing with Section
11 68000), is eligible for an initial Cal Grant award. The recipient
12 shall remain eligible for award renewal only if he or she is a
13 California resident, in attendance, and making satisfactory
14 academic progress at a qualifying institution, as determined by the
15 commission.

16 (b) A part-time student shall not be discriminated against in the
17 selection of Cal Grant Program award recipients, and an award to
18 a part-time student shall be approximately proportional to the time
19 the student spends in the instructional program, as determined by
20 the commission. A first-time Cal Grant Program award recipient
21 who is a part-time student shall be eligible for a full-time renewal
22 award if he or she becomes a full-time student.

23 (c) Cal Grant Program awards shall be awarded without regard
24 to race, religion, creed, sex, sexual orientation, gender identity,
25 gender expression, or age.

26 (d) An applicant shall not receive more than one type of Cal
27 Grant Program award concurrently. Except as provided in Section
28 69440, an applicant shall not:

29 (1) Receive one or a combination of Cal Grant Program awards
30 in excess of the amount equivalent to the award level for a total
31 of four years of full-time attendance in an undergraduate program,
32 except as provided in Section 69433.6.

33 (2) Have obtained a baccalaureate degree prior to receiving a
34 Cal Grant Program award, except as provided in Section 69440.

35 (e) A Cal Grant Program award, except as provided in Section
36 69440, may only be used for educational expenses of a program
37 of study leading directly to an undergraduate degree or certificate,
38 or for expenses of undergraduate coursework in a program of study
39 leading directly to a first professional degree, but for which no
40 baccalaureate degree is awarded.

1 (f) The commission shall, for students who accelerate college
2 attendance, increase the amount of award proportional to the period
3 of additional attendance resulting from attendance in classes that
4 fulfill requirements or electives for graduation during summer
5 terms, sessions, or quarters. In the aggregate, the total amount a
6 student may receive in a four-year period may not be increased as
7 a result of accelerating his or her progress to a degree by attending
8 summer terms, sessions, or quarters.

9 (g) The commission shall notify Cal Grant award recipients of
10 the availability of funding for the summer term, session, or quarter
11 through prominent notice in financial aid award letters, materials,
12 guides, electronic information, and other means that may include,
13 but not necessarily be limited to, surveys, newspaper articles, or
14 attachments to communications from the commission and any
15 other published documents.

16 (h) The commission may require, by the adoption of rules and
17 regulations, the production of reports, accounting, documents, or
18 other necessary statements from the award recipient and the college
19 or university of attendance pertaining to the use or application of
20 the award.

21 (i) A Cal Grant Program award may be utilized only at a
22 qualifying institution.

23 SEC. 9. Section 69762 of the Education Code is amended to
24 read:

25 69762. Loans made pursuant to this chapter shall be made
26 without regard to race, religion, creed, sex, sexual orientation,
27 gender identity, or gender expression.

28 SEC. 10. Section 87400 of the Education Code is amended to
29 read:

30 87400. Governing boards of community college districts shall
31 employ for academic positions, only persons who possess the
32 qualifications therefor prescribed by regulation of the board of
33 governors. It is contrary to the public policy of this state for any
34 person or persons charged, by those governing boards, with the
35 responsibility of recommending persons for employment by those
36 boards to refuse or to fail to do so for reasons of race, color,
37 religious creed, sex, sexual orientation, gender identity, gender
38 expression, or national origin of those applicants for that
39 employment.

1 SEC. 11. Section 89307.2 of the Education Code is amended
2 to read:

3 89307.2. (a) A legislative body shall not conduct a meeting
4 in a facility that prohibits the admittance of any person, or persons,
5 on the basis of race, religious creed, color, national origin, ancestry,
6 sex, sexual orientation, gender identity, or gender expression, or
7 which is inaccessible to disabled persons, or where members of
8 the public may not be present without making a payment or
9 purchase. This section shall apply to every legislative body as
10 defined in Section 89305.1.

11 (b) A notice, agenda, announcement, or report required under
12 this article need not identify any victim or alleged victim of tortious
13 sexual conduct or child abuse unless the identity of the person has
14 been publicly disclosed.

O